


STATE OF VERMONT AGENCY OF HUMAN SERVICES DEPARTMENT OF CORRECTIONS	Title: FURLOUGH RESIDENCE APPROVAL		Page 1 of 7
Chapter: Classification and Case Planning	# 371.14	Supersedes: #371.14, <i>Furlough Residence Approval</i> dated 12/30/2002	
Attachments, Forms & Companion Documents: 1. VT DOC Residence Investigation			
Local Procedure(s) Required: No Applicability: All staff (including contractors and volunteers) Security Level: "B" – Anyone may have access to this document.			
Approved: <div style="display: flex; justify-content: space-between; align-items: flex-end;"> <div style="text-align: center;">  <hr style="width: 200px; margin: 0 auto;"/> Andrew A. Pallito, Commissioner </div> <div style="text-align: center;"> <u>August 19, 2013</u> Date Signed </div> <div style="text-align: center;"> <u>September 30, 2013</u> Date Effective </div> </div>			

PURPOSE

The purpose of this administrative directive is to provide guidelines for Vermont Department of Corrections staff for approving a residence for furloughed offenders.

POLICY

It is the policy of the Department of Corrections to approve furloughed offender residences in order to ensure that the residence complies with public, staff, and offender safety requirements and any local or state zoning regulations, and taking into consideration an evaluation of the proximity to identified or potential victims, and is consistent with re-entry case planning objectives.

AUTHORITY

28 V.S.A. § 1 (b); § 102 (c) (1); §§ 808, 808a and 808c. 13 V.S.A § 7031 (d)

REFERENCE

Department of Corrections Administrative Directives #323.01 *Inmate Release Money*, #340.01 *Instate Transfers*, #371.02 *Facility Case Management*, #371.05 *Offender Case Planning (OCP)*, #371.13 *Pre-Approved Furlough*, #371.15 *Conditional Re-entry*, #371.26 *Reintegration Furlough*, #371.28 *Release Sensitive Notification (RSN) Cases*, #373.02 *Medical, Treatment and Short Term Inpatient Furloughs*, and #502.01 *Victim Notification – Automated (VANS) & Non-automated*. Interim Procedure *DOC/DCF Communication for Child Protection*.

DEFINITIONS

Case Co-Management: The process by which an assigned facility Corrections Service Specialist (CSS) and field office Corrections Service Specialist (PO) engage in collaborative decision-making about an offender's case.

Case Planning: The process by which case co-managers, working collaboratively with the offender and associated stakeholders, make decisions about activities designed to reduce criminogenic needs, promote responsibility-taking, repair harm, and support offender reintegration into the community.

Correctional Services Specialist (CSS): A staff role both in facilities and field offices; also referred to as Caseworker (facility) or Probation/Parole Officer (PO in the field). Field and facility Correctional Services Specialists share responsibility for case co-management for offenders assigned to their caseload.

Foreseeable Risk of Harm: A case-by-case determination by Department employees in consultation with treatment providers and others involved in the offender's case planning that is based upon:

1. An offender's prior criminal background, personal history, and current conduct;
2. The type of crime for which the offender was most recently convicted; and
3. The surrounding circumstances in which the offender is being supervised, including the relationship of the offender to a third party(ies).

Furlough: A legal status for an offender under the custody of the Commissioner serving all or part of their incarcerative sentence in the community outside a correctional facility. This includes offenders on pre-approved furlough (PAF), conditional re-entry (CR), reintegration furlough (RF), treatment furlough (TF), and medical furlough (MF).

Intermediate Sanction Program: A correctional program delivered to offenders who are in the legal status of Pre-approved Furlough or Supervised Community Sentence. In order to place an offender in an intermediate sanctions program, the offender must be referred to the Department, in advance of sentencing, for screening to determine if they meet the eligibility requirement for the program requested.

Listed Offense(s): Criminal offenses described in 13 V.S.A. §5301 (7), characterized for the most part by violence toward persons; and those violent crimes that the Department of Corrections has determined meet the rationale that established the listed offenses

Weapon: Any firearm, device, instrument, material, or substance, which in the manner it is intended to be used, is known to be capable of producing death or serious bodily injury.

PROCEDURAL GUIDELINES**1. Residence Approval Process for Incarcerated Offenders being Released on Furlough**

When an offender proposes to reside in a specific residence, the initial approval process will consist of the following:

- a. Initial Residence Screen: 180 days prior to the projected release date the facility CSS will notify the field CSS of the proposed address for release. The field CSS will need to initially screen the residence and document the decision in electronic case notes. The initial screen is

to determine if the residence could be approved based on location, past experience with the residence, subsidized housing, town ordinances, etc. An approval here does not constitute that the residence will be approved in later stages of the process.

- b. Residence Review: The case co-managers will review the proposed residence plan 90 days prior to the release date. This review will consist of the facility CSS contacting an occupant at the residence to ensure that the offender has a viable residence, and if so, will notify the field CSS. The field CSS will contact the proposed residence and review the criteria defined in section 2 below and explain the conditions of supervision.
- c. Residence Check: Field staff are responsible to conduct an on-site residence check 30 days prior to the release date. For unoccupied residences it is not necessary to check the inside of the residence, however staff will check the outside of the residence.
- d. Offenders Eligible for Release: The facility CSS will contact an occupant at the residence to ensure that they continue to support the offenders release to that residence, and if so, will notify the field CSS. The field CSS will contact the proposed residence and review the criteria defined in section 2 below and explain the conditions and requirements of furlough supervision. The field staff will conduct a residence check. Unless unforeseen circumstances arise, the field site has ten (10) business days from when the request has been received by the field office to conduct the residence check.
- e. Incarcerated Offenders Held for Lack of Residence - V.S.A. § 808(h)

Non-listed offenders held in a correctional facility solely for lack of residence will be released to the community unless denied by a Community Corrections Program Supervisor (CCPS) or District Manager because release is not in the best interest of the offender or is not in the best interest of public safety. The field CSS will need to discuss these cases with their supervisor to determine if releasing the offender to an unapproved residence is in the best interest of the offender and public safety. If it is determined that the release of the offender is not in the best interest of the offender or public safety, the field CSS will document the decision in electronic case notes with the rationale behind the denial.

2. Furlough Residence Approval Criteria

- a. Department staff will use the following criteria when considering the approval of an offender's proposed residence.
 - i. Household members agree to allow DOC staff access to the residence and grounds for the purpose of supervision;
 - ii. The residence allows for safe access for DOC staff;
 - iii. The proposed residence has the approval of the landlord and/or housing authority (if applicable) for the offender to reside there;
 - iv. The proposed residence has no weapons;
 - v. The offender's placement in the residence does not pose a foreseeable risk of harm to children living at, in close proximity to, or regularly visit the residence, to the partner, and/or other household members; (Refer to DOC Interim Procedure *DOC/DCF Communication for Child Protection*)

- vi. The offender's placement in the residence does not pose a foreseeable risk of harm to the community, the victim, or affected persons;
 - vii. The offender's placement in the residence does not violate a Sex Offender/Domestic Violence special condition of furlough;
 - viii. The offender's residence will not be approved if DOC is aware of a violation of any local or town ordinances;
 - ix. DOC staff will, at a minimum, contact the adult household members including the domestic partner. These household members must indicate their acknowledgement of the offense(s) for which the offender has been convicted, as well as provide referral and contact information to the appropriate resource for the purpose of safety planning, such as a Victims Service Specialist.
 - x. If alcohol was a factor in the commission of the crime, or there is a documented history of alcohol abuse, or if alcohol becomes an issue during field supervision, then alcohol will not be permitted in the residence.
- b. The field CSS will explore any steps/actions that can be taken to mitigate any identified concerns. If mitigation strategies are identified, the field CSS has the responsibility to work with any other occupants of the home to carry out those actions. If the District Manager/designee concurs with the mitigation strategies, the residence may be approved.
 - c. Department staff will adhere to the *DOC/DCF MOU on Child Protection*, and will make all necessary contact with DCF as outlined in the Interim Procedure. *DOC/DCF Communication for Child Protection*.
 - d. All residence denials and approvals for offenders convicted of a listed offense or a sex offense will be reviewed and approved by the District Manager/designee.

3. Offenders Currently in the Community and Pre-Approved Furlough (PAF) Offenders

Offenders currently under furlough supervision or defendants being screened for acceptance into an Intermediate Sanctions Program will have their residence approved by the local supervising Probation & Parole office as outlined by the residence approval criteria defined in section 2 above.

For furlough offenders with a zero minimum reporting directly to the field office, the following will occur:

- a. Non-listed Offender: The residence check will occur during the first site visit.
- b. Listed Offenders: The offender will report directly to the correctional facility.

4. On-Site Residence Check

Staff will follow the guidelines below when conducting residence checks:

- a. As guests in the home, Department staff will comport themselves in a professional, respectful, and dignified manner.
- b. As research indicates, family and friends are more likely to promote positive growth and change with offenders than correctional services. It is therefore important to enter into a

dialogue with the occupants of the home that welcomes their support and partnership with the Department. As an example, staff might ask the members of the home what they can share with staff that would make the offender's re-entry successful. This visit should be used as an opportunity to build a meaningful partnership with people involved in the offender's life and the Department.

- c. Staff will note the geographical location of the home, and determine if there are any concerns about accessibility to victims/potential victims.
- d. Staff will note any physical or structural issues with the home which might constitute a safety issue for staff, such as broken staircases.
- e. Staff will note any pets present, and if so, whether they appear aggressive towards strangers.
- f. Staff will note any contraband or weapons observable in plain view.
- g. Staff may ask the occupants of the home to show them around the home, and specifically where the offender will be living. Staff will not conduct searches beyond that of plain sight during this on-site visit. Exceptions can be made if staff members observe a gun safe, or if a no-alcohol condition has been applied. In these cases staff may ask the occupants to open the container, such as the gun safe or refrigerator to make a visual observation.
- h. If staff members observe any item which constitutes a potential reason to deny the residence, such as guns or alcohol, they will negotiate with the occupants to have those items removed.
- i. If through negotiations the occupants agree to have specified items removed, staff will conduct a follow-up visit to ensure the items have successfully been removed.
- j. If staff members identify any issues that could not be successfully negotiated with the occupants of the home, and they are recommending the residence be denied, they will notify the supervising field CSS (if the field CSS did not conduct the check.)

5. Sex Offender and Release Sensitive Notification (RSN) Cases:

Sex offenders and RSN cases will require a higher level of review for approving residences for release. Case co-managers will need to present details about the approval of a proposed residence of a sex offender or RSN case to the Central Staffing Committee for final approval.

6. Home Detention

Staff will refer to the Department's policy on *Home Detention*, for additional information.

- a. Residence checks for Home Detention cases consists solely of ensuring that the residence either has cellular reception or a landline telephone in order to utilize electronic monitoring.
- b. If staff members identify the home as being a subsidized property where the defendant is not authorized to reside, they will provide that information to the CCPS responsible for Home Detention cases. The CCPS will report this information in the 'Comments on the Investigation' section of *Attachment 2, Home Detention Investigation Form*, found in the

Home Detention policy. The court has the responsibility to determine if the residence is approved or not.

7. Review of Denied Residences

- a. The field CSS will notify the District Manager/designee of the negative recommendation.
- b. The District Manager/designee will review the rationale with the field CSS to determine if any steps/actions or renegotiations, to include electronic monitoring, can be taken to mitigate the identified concerns.
- c. If mitigation strategies are identified, the field CSS has the responsibility to carry out those actions.
- d. If the District Manager/designee agrees with the denial, the field CSS will enter a case note which specifically details the reason for denial, and that mitigation strategies are not available.
- e. On occasion the field and facility may disagree about the appropriateness of a denied residence. In these cases, the Facility Superintendent and District Manager will attempt to resolve the matter. In the event that the managers are not able to come to an agreement, either party may make a request to the Director of Classification and Facility Designation for his/her review and final decision.
- f. All steps of the process will be documented in case notes. All communications between the field CSS and the facility CSS regarding all approvals and denials along with reasons for the denials will be documented.

TRAINING

1. The Director of Field Services will train the District Managers and Community Correctional Program Supervisors in this directive prior to the effective date during their monthly central office meeting.
2. District Managers will train staff in this directive prior to its effective date.

QUALITY ASSURANCE

Each District Manager is responsible for ensuring that:

1. Each site will be in compliance with this directive.
2. Documentation is correctly entered into the centralized DOC database.

**VERMONT DEPARTMENT OF CORRECTIONS
RESIDENCE INVESTIGATION**

Offender: _____ DOB: _____

Proposed Address: _____ Phone #: _____

Household member's names/ages: _____

_____**Criteria**

1. Household members agree to allow DOC staff access to the residence;
2. The residence allows for safe access for DOC staff;
3. The proposed residence has the approval of the landlord and/or housing authority (if applicable) for the offender to reside there;
4. The proposed residence has no weapons;
5. The offender's placement in the residence does not pose a foreseeable risk of harm to children living at, in close proximity, or who regularly visit the residence, to the partner, and/or other household members; (Refer to DOC Interim Procedure *DOC/DCF Communication for Child Protection*.)
6. The offender's placement in the residence does not pose a foreseeable risk of harm to the community, the victim, or affected persons;
7. The offender's placement in the residence does not violate a Sex Offender/Domestic Violence special condition of furlough;
8. The offender's placement in the residence does not violate any local or town ordinances;
9. Household members are informed of the offense for which the offender has been convicted.
10. If alcohol was a factor in the commission of the crime, there is a documented history of alcohol abuse, or if alcohol becomes an issue during field supervision, then alcohol will not be permitted in the residence.

Residence recommended for:

☐ Approved☐ Not Approved (and why):_____

(DOC staff signature)

(Printed name)

(Date)

Supervisor Review:

☐ Residence Approved☐ Residence Not Approved

DM or designee Signature

(Printed name)

(Date)

(Required for Denials and Listed Offender Approvals)